

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:17-00113-005

JAMES RODNEY STAPLES

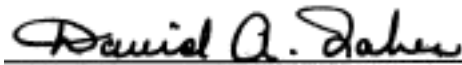
MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion for his release from custody to attend the funeral of his grandmother. (ECF No. 448). The aforementioned funeral is scheduled for 12:00 p.m., on Friday, January 5, 2018, and the motion for release was filed less than 24 hours before the funeral. The court rarely grants these types of motions, in large part because of the considerable hardship such a request places on the United States Marshals Service. In this case, because of the timing of defendant's motion, the Marshals Service would be even more inconvenienced than usual were such a request to be granted. Furthermore, the late filing of the motion, along with defendant's failure to confer with either the Assistant United States Attorney or the Probation Office, makes it impossible for the court to determine in a timely manner: 1) whether defendant is a suitable candidate for release under these circumstances; and 2) whether the Marshals Service could even accommodate the request on such short notice. Based on the foregoing, the court hereby **DENIES** defendant's motion.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, the Probation Office of this court, and the United States Marshal for the Southern District of West Virginia.

It is SO ORDERED this 4th day of January, 2018.

ENTER:

A handwritten signature in dark ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge